

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

MEMORANDUM AND ORDER

ARNALDO CABRERA

05 Cr. 1278 (NRB)

Defendant.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

The Court is in receipt of defendant Arnaldo Cabrera's motion for early termination of supervised release and a letter from the Probation Office for the District of New Jersey stating that it does not oppose defendant's motion. For the following reasons, defendant's motion is granted.

On June 3, 2009, Mr. Cabrera was sentenced to a term of 324 months imprisonment to be followed by a term of five years of supervised release. Mr. Cabrera was released from prison in June 2021 and has served approximately forty months, or two-thirds, of his five-year supervised release sentence. Mr. Cabrera is scheduled to complete his period of supervision on June 8, 2026.

A court may terminate a term of supervised release and discharge a defendant after the defendant has served one year of supervised release. See 18 U.S. Code §§ 3564(c), 3583(e)(1). But the court may do so only after consideration of the relevant

factors in 18 U.S.C. § 3553(a) and if the Court is satisfied that termination of supervised release is warranted by the defendant's conduct and the interest of justice. See 18 U.S. Code §§ 3564(c), 3583(e)(1); see also United States v. Lussier, 104 F.3d 32, 36 (2d Cir. 1997) (noting that a defendant's "exceptionally good behavior" could justify reduction of a supervised release term).

There is no question that the defendant committed a serious offense,¹ and that the Court's sentencing decision was appropriate. However, the Probation Office for the District of New Jersey, where Mr. Cabrera is being supervised, reports: "Since the commencement of supervision, he has complied with the order of the Court. Arnaldo Cabrera has maintained a stable residence and has tested negative for any illicit substances. He is currently unemployed and collects disability due to his health issues. Arnaldo Cabrera has no history of violence and incurred no recent law enforcement contacts, arrests, or convictions."

The Court also notes that there are "'new or unforeseen circumstance[s]' that weigh[] in favor of the relief requested." United States v. Wang, No. 18 Cr. 882 (LTS), 2023 WL 7019111, at *2 (S.D.N.Y. Oct. 25, 2023) (citation omitted). The defendant's mother has been recently diagnosed with cancer and the defendant

¹ Mr. Cabrera was convicted on two counts: conspiracy to distribute and possess with intent to distribute 5 kilograms and more of cocaine and conspiracy to import into the United States from a place outside thereof 5 kilograms and more of cocaine.

provides care for his mother. See id. (finding that the “failing health” of the defendant’s mother weighed in favor of terminating the defendant’s supervised release). In addition, Mr. Cabrera suffers from end-stage renal disease, requiring dialysis three times a week.

Accordingly, considering all the § 3553(a) factors, defendant’s motion for early termination of his supervised release is granted pursuant to 18 U.S. Code §§ 3564(c), 3583(e)(1). Mr. Cabrera is discharged and is no longer required to comply with the terms of his supervised release.

DATED: New York, New York
November 19, 2024



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE